

# Army Spying Bared At Chicago 7 Trial

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CHICAGO, Nov. 13—The defense in the Chicago Seven contempt trial said today it would seek dismissal of all remaining charges, on the basis of new information that its office was spied on by Army intelligence during the 1969-70 Chicago conspiracy trial.

A former Army intelligence officer, John Michael O'Brien, testified in federal court here Monday that he was assigned to keep tabs on the antiwar defendants and their lawyers during their original trial, sometimes with the goal of "pure harassment."

O'Brien, now the narcotics agent in suburban Lake County, Ill., said that he worked at one point with convicted Watergate conspirator G. Gordon Liddy, who he said came here to "observe" the "Days of Rage" demonstrations by the Weatherman faction of Students for a Democratic Society that occurred during the conspiracy trial.

He also claimed that his unit—the 113th Military Intelligence Group based in Evanston, just north of Chicago—received three or four cardboard cartons of documents, reports and papers "allegedly stolen from the Chicago Seven defense office during a burglary staged by a group of Vietnam war veterans calling themselves the 'Legion of Justice.'"

Defense attorneys in the contempt trial immediately drew comparisons with the celebrated Pentagon Papers trial, in which it was revealed that the White House "plumbers," including Liddy, staged a burglary at the office of a psychiatrist who had once treated Daniel Ellsberg, the man who disclosed the top secret Pentagon papers to the press.

The attorneys, noting that the Pentagon Papers case was dismissed shortly after the disclosure of that burglary and other "governmental misconduct," said they would contend that the Chicago Seven's Sixth Amendment right to a fair trial had been violated by the military intelligence oper-

ations.

But they said they would wait to file their motion until after government cross-examination of O'Brien, which prosecutor Gary Starkman promised would be extensive.

O'Brien has testified in a number of other court cases in recent years, including an American Civil Liberties Union suit against military intelligence.

The 1969-70 trial, in which the defendants were charged with conspiracy and crossing state lines to incite a riot, grew out of antiwar demon-

strations during the 1968 Democratic National Convention here.

Five of the defendants were convicted on the riot charges, but those convictions were reversed on appeal, as were contempt of court convictions handed out by the original trial judge, Julius J. Hoffman of U.S. District Court here.

The government chose to prosecute only the contempt case, and the trial on those charges is now being heard without a jury by U.S. District Court Judge Edward T. Gignoux of Maine.

O'Brien, a surprise witness appearing under subpoena by the defense, testified that he often called the Chicago Seven defense office to find out the whereabouts and strategy of the defense, and that sometimes he impersonated defendant Tom Hayden in calls he made to a suburban home where defendant Rennie Davis was staying.

He said that his reports were not only sent through military intelligence channels, but were also passed along to the Federal Bureau of Investigation, the Secret service, the Chicago Police Department and other investigative agencies.

Scheduled to testify at the contempt trial Wednesday is U.S. District Court Judge Robert R. Merhige, of Richmond, Va., called to tell of the non-contemptuous "habits" of Chicago Seven defense attorney William M. Kunstler in appearances before him.